

*Board of Zoning Appeals
Thursday, November 17, 2005
Regular Meeting - 10:00 A.M.
Phone # (937) 328-2495*

*Springview Developmental Center
Administration Building
3103 E. Main Street
Springfield, Ohio 45505*

AGENDA

- | | | |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| 1. | Minutes - September 15, 2005 | Discussion &
Action |
| 2. | BZA-2005-14 - Variance
Michael N and Margaret L. Bellows
388 N. Houston Pike
Harmony Township | Discussion &
Action |
| 3. | BZA-2005-15 - Variance
Chandler A. Phillips for Jodi Penrod
1292 Medway Carlisle Road
Bethel Township | Discussion &
Action |
| 4. | BZA-2005-16 - Variance
Greenon Local School District Board of Education
1215 Old Mill Road
Mad River Township | Discussion &
Action |
| 5. | Adjournment | Action |

Minutes

Board of Zoning Appeals

Regular Meeting
Thursday, September 15, 2005

County Office/Municipal Courts Building
Public Chambers
50 E. Columbia Street, 5th Floor
Springfield, Ohio

Vice-Chairman Foster called the meeting to order at 10:10 a.m.

Present: Mr. Rich Foster, Mr. Allen Perkins(arrived at 10:15a.m.), Mr. Marvin Berschet, and Mr. Lonnie Barclay.

Absent: Mr. Wilfred Potter

Also Present: Mr. Kelly Daniels, Clark County Zoning Inspector and other interested persons.

BZA-9-22-05 ~ Minutes ~ August 18, 2005

Motion by Mr. Barclay, second by Mr. Berschet to approve the minutes as printed.

VOTE: Motion carried unanimously.

Vice-Chairman Foster explained to the Board they need to remove the Morgan case from the table before they can proceed. It was tabled due to lack of information regarding the time frame in which a home would be built. They have had problems in the past with granting approvals and then a house is never built. Chairman Perkins asked to have the Prosecutor's Office look into setting a time frame for these types of cases.

BZA-9-23-05 ~ Remove BZA-2005-11 Case from Table

Motion by Mr. Barclay, second by Mr. Berschet to remove BZA-2005-11- Variance -Bill Morgan case from table.

VOTE: Motion carried unanimously.

BZA-2005-11 ~ Variance ~ Bill Morgan ~ 1225 Whaley Road Bethel Township

Mr. Daniels presented the case to the Board, the applicant is seeking a Variance of Chapter 2, Section A, Chapter 10, Definitions of the Clark County Zoning Resolution. Said section requires an accessory building or use shall be located on the same zoning lot as the principal use served. Granting the request would permit an accessory building to be constructed on a building lot without a principal building. The applicant has constructed a barn without obtaining zoning and building permits. The property is zoned A-1 (Agriculture) and no principal building exists on the 6.56 acre

Minutes

Board of Zoning Appeals

lot. Mr. Morgan has stated that the building will be used for horses and storage.

Chairman Perkins arrived.

Mr. Christopher Kinsler, Clark County Prosecuting Attorney reviewed his findings for accessory building being built without a principal building. The Board does have the authority to put conditions and stipulations on individual cases. The Board can put a reasonable time limit on when the principal building must be built or the variance could be voided. He went over the sections in the Ohio Revised Code pertaining to the case.

Mr. Barclay wanted to know when the garage was completed.

Chairman Perkins swore everyone in.

Mr. Morgan, applicant explained he bought the property last October and had finished the building a couple weeks ago. It was pretty much done before the hearing last month but he completely finished a few weeks ago.

Mr. Barclay questioned when Mr. Morgan would be building the house.

Mr. Morgan explained it would probably be in the Spring before he could get started and should be completed within 8 to 9 months.

Chairman Perkins asked for a motion, since there were no comments from the audience.

BZA-9-24-05 ~ Variance ~ Bill Morgan ~ 1225 Whaley Road Bethel Township

Motion by Mr. Foster, second by Mr. Barclay to approve the Variance of Chapter 2, Section A, Chapter 10, Definitions of the Clark County Zoning Resolution to permit an accessory building to be constructed on a building lot without a principal building with the stipulation a principal building must be completed within 18 months.

VOTE: Motion carried unanimously.

BZA-2005-12 ~ Variance ~ Michael & Heide Kammer ~ 3110 Fowler Road Mad River Township.

Mr. Daniels presented the case to the Board, the applicant is seeking a Variance of Chapter 2, Section A, Chapter 8, Section B of the Clark County Zoning Resolution. Said section requires a private detached garage located in the side yard shall meet the minimum 25' yard requirement for

Minutes

Board of Zoning Appeals

a principal building in the A-1 (Agricultural) Zoning District. Granting the request would permit a detached garage to be located in the required side yard with a side yard setback of 11'. The staff has no objections to the variance.

Mr. Foster mentioned it looked like it would meet the 300' front setback.

Mr. Krammer, applicant explained they don't have any close neighbors. It will be over 300' from the front and it would be located 11' from the smallest property line which is located right next to the neighbors lane.

Mr. Foster wondered where the lane went.

Mr. Krammer commented it goes back to an existing house. He also mentioned, they have talked with all the surrounding properties about the building and no one had any problems.

Mr. Foster commended Mr. Krammer for getting all the surrounding neighbors signatures.

Chairman Perkins asked for a motion, no comments from the audience.

**BZA-9-25-05 ~ Variance ~ Michael & Heide Kammer ~ 3110 Fowler Road ~
Mad River Township.**

Motion by Mr. Barclay, second by Mr. Berschet to approve the Variance of Chapter 2, Section A, Chapter 8, Section B of the Clark County Zoning Resolution to permit a detached garage to be located in the required side yard with a side yard setback of 11'.

VOTE: Motion carried unanimously.

**BZA-2005-13 ~ Variance ~ Douglas & Denise Miller ~ 700 Weber Road ~ Moorefield
Township.**

Mr. Daniels presented the case to the Board, the applicant is seeking a Variance of Chapter 2, Section A, Chapter 8, Section B of the Clark County Zoning Resolution. Said section requires a detached accessory building may be constructed in the front yard provided it is at least 300' from the road right-of-way. Granting the request would permit a detached accessory building to be constructed in the front yard with a setback of 112' from the road right-of-way. The staff finds that topographical conditions applying to the land in question would create a hardship for the construction of a pole barn in the rear yard.

Minutes

Board of Zoning Appeals

Mr. Foster wondered if the 300' front setback was for site distance and if there was a limit on how close to the road they could allow for a variance.

Mr. Daniels commented the 300' setback is for site distance. He wasn't quite sure on how close they would be allowed. He would have to research it but he knew it wouldn't be any closer than 112'.

Mr. Miller, applicant explained he didn't have any neighbors on the east side; the closest neighbor to the west is 600' and there is a pasture behind the house. He believed from the center of the road to the new building would be 150' but from the edge of the road it would be 112'.

Mr. Foster wondered if the barn can be built any closer to the house to get it farther from the road.

Mr. Miller explained he wanted the doors to the barn to face the house for security purposes and to be able to pull his boat and truck in without any problems. He also has a security light that he wishes to keep where it is. He has about 78' between the house and the new barn and would need the space to back in.

BZA-9-26-05 ~ Variance ~ Douglas & Denise Miller ~ 700 Weber Road ~ Moorefield Township

Motion by Mr. Barclay, second by Mr. Foster to approve the Variance of Chapter 2, Section A, Chapter 8, Section B of the Clark County Zoning Resolution to permit a detached accessory building to be constructed in the front yard with a minimum setback of 112' from the road right-of-way.

VOTE: Motion carried unanimously.

ADJOURNMENT

BZA-9-27-05 ~ Adjournment

Motion by Mr. Foster, second by Mr. Barclay to adjourn the meeting

VOTE: Motion carried unanimously.

The meeting was adjourned at 10:43 a.m.

Allen Perkins, Chairman

**BZA-2005-14 - Variance - Harmony Township
Michael N. & Margaret L. Bellows - 388 N. Houston Pike**

DATE OF MEETING: November 17, 2005

TO: Board of Zoning Appeals

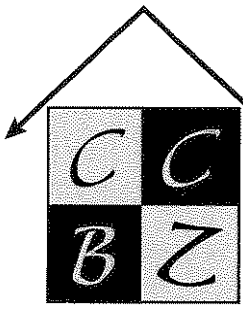
FROM: Planning Staff

APPLICANTS REQUEST:

The applicant is seeking a Variance of Chapter 2, Section A of the Clark County Zoning Resolution. Said section requires lots more than 10 acres in size shall have a minimum frontage of 350'. Granting this request would permit a 13.58 acre lot to be split with a total frontage of 30'.

STAFFS ANALYSIS:

The applicant owns 24.46 acres and wants to split 13.58 acres for his son; who will construct a dwelling. The Clark County Combined Health Department has stated the soil was suitable for an on-site sewage disposal system.



Clark County Zoning Regulations

937.328.2495
937.328.2621 fax
email: bldgregs@co.clark.oh.us

Garfield Building
25 W. Pleasant St
Springfield, OH 45506

Dana R. Booghter
Director

November 9, 2005


Dear Applicant:

On **November 17, 2005**, the Board of Zoning Appeals will hold a **PUBLIC HEARING** at 10:00 a.m., at the **Administrative Building, formerly known as Springview Developmental Center, 3130 E. Main Street Springfield, Ohio**. The purpose of this hearing is to review your request for a Variance.

We will provide signs to direct you where the hearing will take place. There is parking in the rear off of Ogden Road. Your presence or a qualified representative is required. If your request is approved, there is a 30 day waiting period after the hearing.

If you or a representative are not present at the time of your hearing, your case will not be considered.

Sincerely,



Kelly Daniels
Zoning Inspector

la

MICHAEL N. & MARGARET L. BELLOWS
388 N HOUSTON PIKE
SOUTH VIENNA OH 45369

August 29, 2005

CLARK COUNTY BOARD OF ZONING APPEALS
25 W PLEASANT ST
SPRINGFIELD OH 45506

RE: Lot split variance for 388 N Houston Pike

To Whom It May Concern:

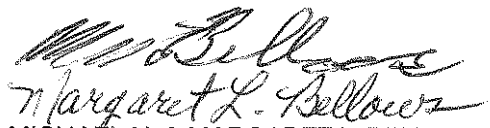
This letter is submitted to further describe the reasons for the requested variance. Transmitted with this letter is the application for variance, a list of property owners and their addresses within 200 feet of the property in question, an accurate map depicting the lot in question, approved Health Department soil boring test results, a copy of the deed, and the required application fee.

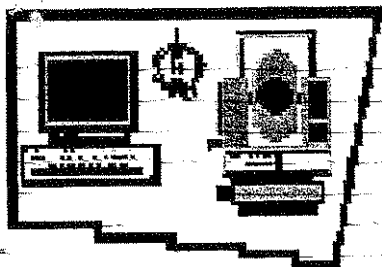
The requirement for splitting the property of Mr. Michael Bellows (1504480101017) into 2 parcels consisting of 10.88 acres (remaining with Mike Bellows) and a second parcel of 13.58 acres (to be transferred to my son Les Bellows) requires that 350 feet of road frontage be available for a single family residence. The original property with 300 feet of road frontage was grandfathered because it existed before the road frontage requirement was approved in 2001.

The attached drawings show a proposed lot split with the smaller lot retaining 270 feet of road frontage and the new lot to have 30 feet of road frontage to allow for a single driveway to a single family lot. When the property was originally purchased in 1989, the intent was to use it as farm land and allow a space for a family member to purchase and live on half of the property as we aged and needed assistance.

In addition, other land owners in the immediate area have 150 feet of road frontage. These properties have caused the proposed 13.58 acres to have no road frontage other than what can be pulled from the original 300 feet of road frontage. Therefore, a limited amount of road frontage (30 foot) is requested to be approved to allow for use of the property as other land owners enjoy as well as for the continuation of plans to have a family member (my son – Leslie Bellows) live in close proximity.

A permit for the use of this land was approved earlier, however it consisted of splitting the 13.58 acre parcel into 3 smaller parcels at the request of Phil Trittel. After approval, the driveway permit was revoked by the county engineers due to the multifamily parcel split. At their suggestion, we are requesting a variance to the requirement for 350 feet of road frontage for a single family residence.


MICHAEL N. & MARGARET L. BELLOWS
388 N HOUSTON PIKE
SOUTH VIENNA OH 45369



Clark County
Engineer's Department
4075 Laybourne Rd Springfield, Ohio 45505-3613
Bruce C. Smith, P.E., P.S.
Clark County Engineer

Office # (937) 328-2484

Fax # (937) 328-2473

www.clarkcountyohio.gov/engineer

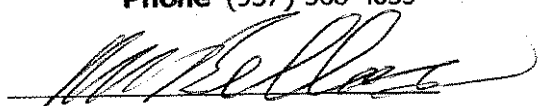
DRIVEWAY PERMIT FOR CLARK COUNTY

PERMIT # 04-068

Applicant's Name Michael Bellows
Address 388 N. Houston Pike
City, State and Zip South Vienna, Ohio 45369

Date 11/22/04
Phone (937) 568-4055

New Address Same
City, State and Zip
Township Harmony


Applicant's Signature

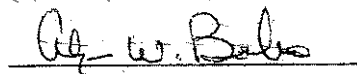
SCOPE OF PERMIT: Access to lot by crossing the county right of way. A 12-inch culvert will be needed at this location. This is a secondary access and the driveway approach should be placed far enough to the north to allow for the wind row so it will not obstruct the opening of the 24-inch concrete pipe under the roadway.

PERMIT CONDITIONS:

1. Traffic will be maintained at all times, unless granted under a different permit.
2. Concrete drive approaches shall be put on a 1/4 inch per foot slope away from the road surface at a minimum of five (5) feet. (Forms are subject to County inspection.)
3. The asphalt drive approaches shall not be constructed higher than the existing edge of pavement.
4. The County Engineer will locate the drive access if there is a problem with the sight distance.
5. **Corrugated plastic tubing or spiral metal pipes will not be permitted.**
6. That I / We assume responsibility for the work, if privately done or by a contractor and save the County harmless for any and all claims for personal injuries or property damage.

CONTRACTOR'S NAME _____
ADDRESS _____
CITY, STATE AND ZIP _____

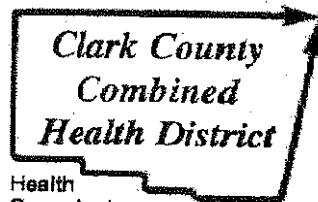
PERMIT TO DO WORK UNDER CONDITIONS STATED ABOVE IS HEREBY GRANTED.



ALYN W. BOBO
PERMITS / INSPECTIONS

Donald Boyle - Road Superintendent
Paul W. DeButy P.E. - Design Engineer
Kenneth D. Fenton, P.S., Deputy Engineer
Doug Frank - Bridge Superintendent
Pamela Fulton - Office Assistant

William A. Pierce, P.S. - LIS Director
Shayne Gray - GIS/CAD Coordinator
Mark Niccolini - Ditch Maintenance Supervisor
Lew Richards - Traffic Supervisor
Ned G. Weber, Deputy Engineer



Health
Commissioner

Charles A. Patterson, RS, MBA

Clark County Combined Health District

529 East Home Road
Springfield, Ohio 45503

Main: (937) 390-5600
Email: health@cochd.com

Fax: (937) 390-5625
TDD: (937) 390-5605

Help Me Grow

Main: (937) 322-2099

Fax: (937) 322-4189



2430 Van Buren Avenue
Springfield, OH 45505

December 14, 2004

Phil Tritle
Clark County Planning Commission
25 W. Pleasant Street
Springfield, OH 45506

Re: Three (3) Lots @ 388 N. Houston Pike

Dear Phil,

The Clark County Combined Health District has performed a soil analysis on the following lot(s), for the purposes of a lot split:

Owner: Leslie Bellows

Location: Three (3) Lots @ 388 N. Houston Pike

Date: December 13, 2004

The results of the analysis indicate that:

- ☒ The soil was **suftable** for an on-site sewage disposal system.
- ☐ The soil was **unsuitable** for an on-site sewage disposal system.

Additional comments:

This report is respectfully submitted to the Clark County Planning Office by

Colin Barry, R.S.

Board of Health

David Bartos, President

Richard Colvin

Harry Elliott

Stephen Feagins, MD

Richard Foster

Sheila Rice

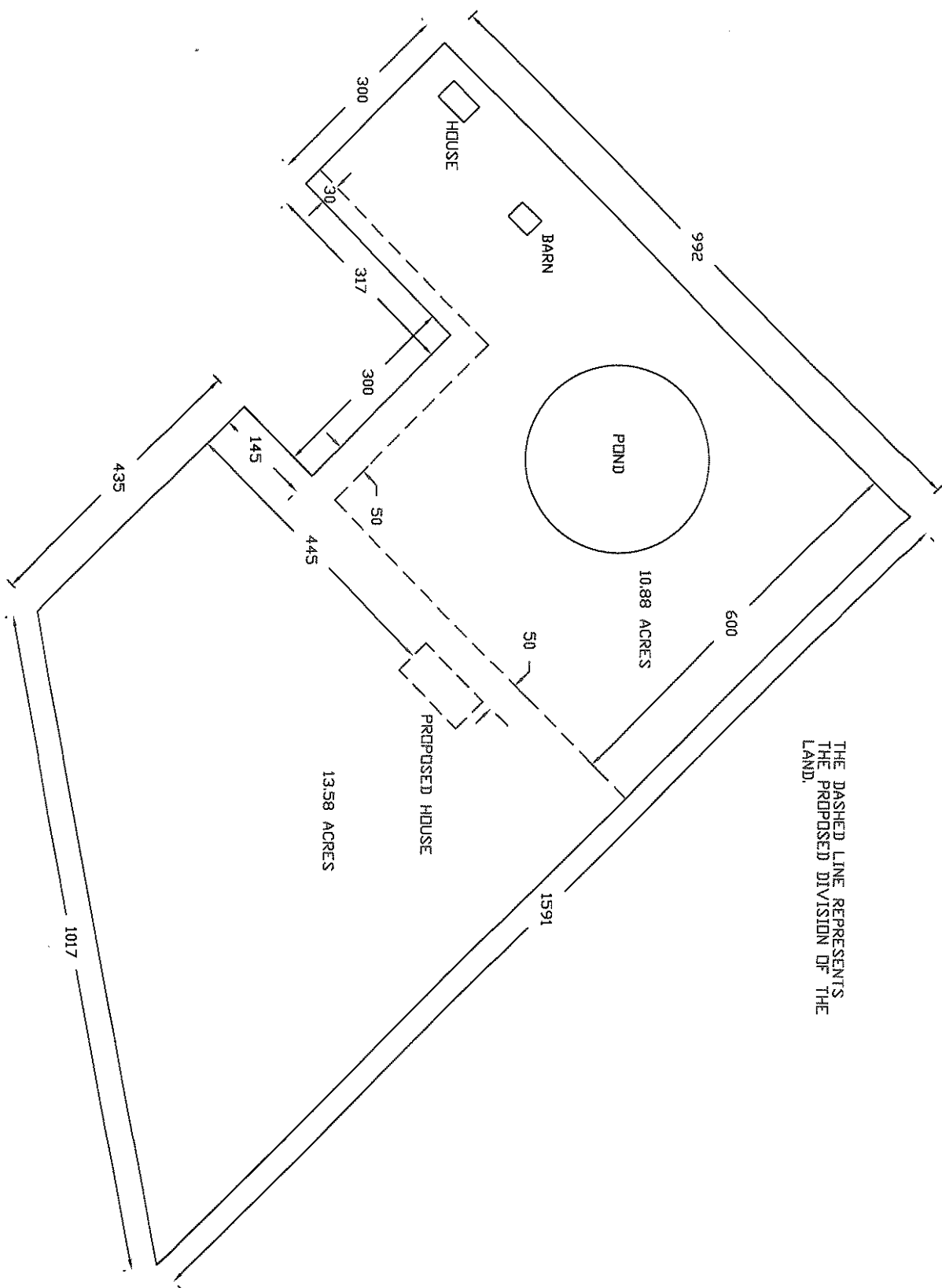
Susan Weaver, RN

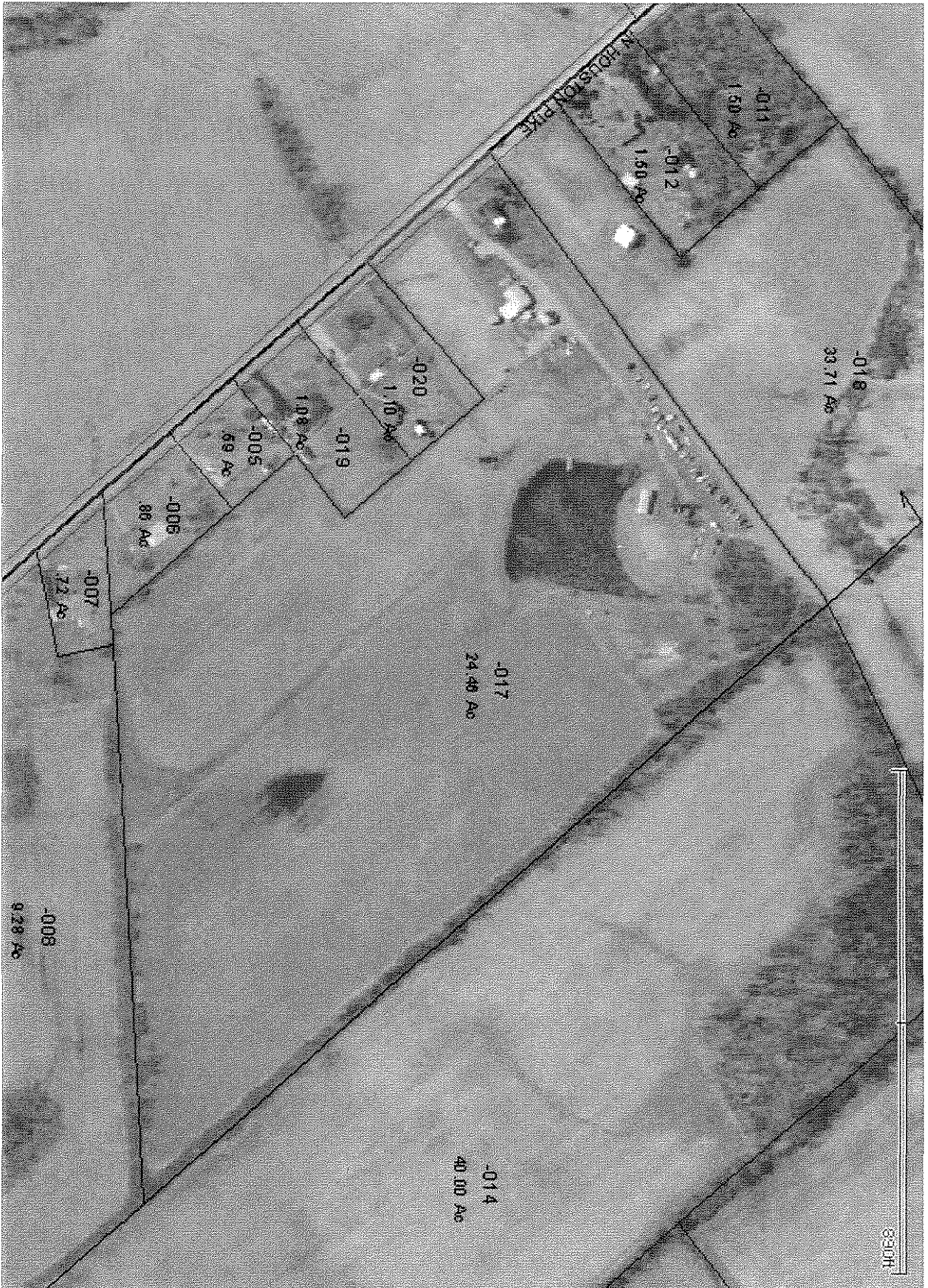
Dan Young

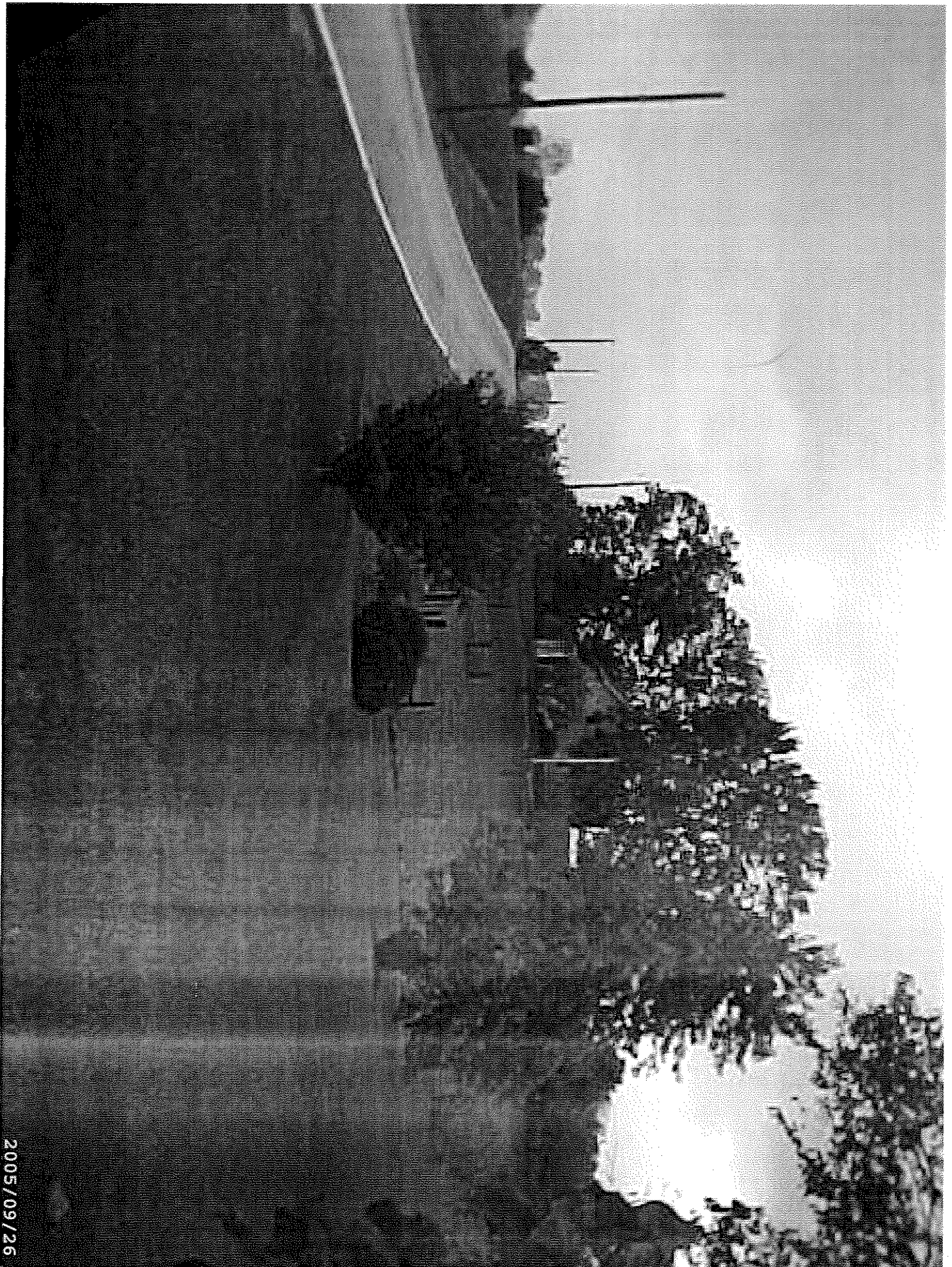
SANITATION REPORT

CLARK COUNTY COMBINED HEALTH DISTRICT
529 E. HOME ROAD, SPRINGFIELD, OHIO 45503

REQUESTOR/OWNER	Leslie Bellows	LOCATION OF PROPERTY	388 N. Houston Pike
		TYPE	3TH - Lotsplits
DATE RECEIVED	COMMENTS		
1/21/31/11	See Map for Test Hole Locations		
#1 Strain Silty Clay Loam 0-8" 10YR 4/3 Silty Clay Loam 8-20" 10YR 4/4 Clay Loam 20"-6' 10YR 5/4 Loam (T.I.I.)			
#2 Strain Silty Clay 0-6" 10YR 4/3 Silty Clay Loam 6-18" 10YR 4/4 Clay Loam 18"-6' 10YR 5/4 Loam (T.I.I.)			
#3 Strain Silty Clay 0-12" 10YR 4/3 Silty Clay Loam 12"-21" 10YR 4/4 Clay Loam 21"-6' 10YR 5/4 Loam (T.I.I.)			







2005/09/26

**BZA-2005-15 - Variance - Bethel Township
Chandler A. Phillips for Jodi L. Penrod - 1292 Medway Carlisle
Road**

Date of Meeting: November 17, 2005

TO: Board of Zoning Appeals

FROM: Planning Staff

APPLICANTS REQUEST:

The applicant is seeking a Variance of Chapter 2, Section A of the Clark County Zoning Resolution. Said section requires lots in the A-1 (Agricultural) zoning district not served with public water supply and/or the disposal of sanitary wastes by mean of public sewers shall have a total lot area of one acre. Granting this request would permit a 1.38 acre lot to be reduced to 0.91 acres.

STAFFS ANALYSIS:

The applicant Mr. Chandler A. Phillips wishes to purchase 0.47 acres from the adjoining 1.38 acre lot. Mr. Phillips wants to own the right-of-way easement for driveway access to his house and the house of an adjacent lot. If this Variance is granted it would reduce the 1.38 acre lot to 0.91 acres.



Clark County Zoning Regulations

937.328.2495
937.328.2621 fax
email: bldgregs@co.clark.oh.us

Garfield Building
25 W. Pleasant St
Springfield, OH 45506

Dana R. Booghter
Director

November 9, 2005

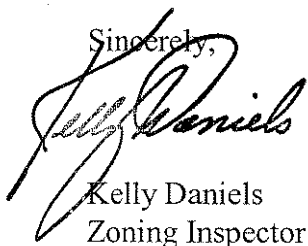
Dear Applicant:

On **November 17, 2005**, the Board of Zoning Appeals will hold a **PUBLIC HEARING** at 10:00 a.m., at the **Administrative Building, formerly known as Springview Developmental Center, 3130 E. Main Street Springfield, Ohio**. The purpose of this hearing is to review your request for a Variance.

We will provide signs to direct you where the hearing will take place. There is parking in the rear off of Ogden Road. Your presence or a qualified representative is required. If your request is approved, there is a 30 day waiting period after the hearing.

If you or a representative are not present at the time of your hearing, your case will not be considered.

Sincerely,



Kelly Daniels
Zoning Inspector

la

Variance (1): Special conditions or circumstances applying to the building or land in question:

The east part of the owner's (Jodi L. Penrod) lot extends 120 feet* into the front part of the applicant's (Chandler A. Phillips) lot so that the owner's lot occupies an area 120 feet by 160 feet at the west part of the applicant's front lot (see GIS aerial photo). As a result, the applicant's front property line is 180 feet and the rear property line is 300 feet. Within this 120 foot by 160 foot area of the owner's lot (referred to above), a north-south easement exists which is 30 feet wide by 160 feet long. This is a right-of-way easement for driveway access to the applicant's house and the house of an adjacent lot (Randy and Karen Blackaby) as shown in the GIS aerial photograph.

Variance (2): That said special conditions or circumstances did not result from the actions of the applicant:

On July 28, 2005, applicant made an offer to purchase the above mentioned property on or before September 15, 2005 with immediate possession upon closing. The special conditions and circumstances described in item (1) were pre-existing at the time applicant made the offer to purchase.

Variance (3): The literal enforcement would deprive the applicant rights enjoyed by other property owners:

Other property owners have lots that are square or rectangular in shape so that the front half and back half of their lots are approximately equal for the normal use and enjoyment of those property owners. The presence of the east part of the Penrod lot extending into the west part of the Phillips' front lot, as described in (1) above, precludes this applicant from the normal use and enjoyment of a lot in which the front half and the back half of the lot are approximately equal.

Variance (4): The variance requested is the minimum variance that will allow reasonable use of the land and/or buildings:

The action requested is that the 120 foot by 160 foot area of the owner's lot (described above) be transferred as a lot split and attached to the applicant's lot. A variance is requested because this action will result in the owner's lot being reduced to less than one acre. This action and the granting of this variance will result in the applicant now having a lot that is a rectangle with 300 foot front and rear boundaries and 400 foot side boundaries. The requested dimensions of the lot split are necessary in order to accomplish this. The right-of-way easement for the driveway previously granted to the adjacent property (Randy and Karen Blackaby) would not be affected by the requested variance.

*** All measurements in feet are approximations.**

ATT Phil

Clark County Combined Health District
529 East Home Road
Springfield, Ohio 45503
(937) 390-5600

EXISTING LOTSPLIT APPLICATION

CURRENT PROPERTY OWNER

FEE: \$50.00

NAME(S) Jodi Penrod
ADDRESS 1292 Medway New Carlisle Rd.
CITY Medway STATE OH ZIP 45341-9797
PHONE 937-849-1738

ATTORNEY/AGENT/CONTACT PERSON

NAME(S) Chandler A. Phillips
ADDRESS 7200 Peters Rd.
CITY Tipp City STATE OH ZIP 45371
PHONE 937-667-6047

PROPERTY LOCATION

ADDRESS 1292 Medway New Carlisle Rd, Medway, OH
TOWNSHIP Bethel

TO THE BEST OF MY KNOWLEDGE, THE WELL AND SEWAGE DISPOSAL
SYSTEM FOR THIS DWELLING ARE WITHIN THE PROPOSED BOUNDARY
LINES OF THIS LOT.

SIGNATURE OF APPLICANT Chandler A. Phillips

FOR OFFICE USE ONLY

☒ EXISTING LOTSPLIT APPROVED

☐ ADDITIONAL ACREAGE NEEDED

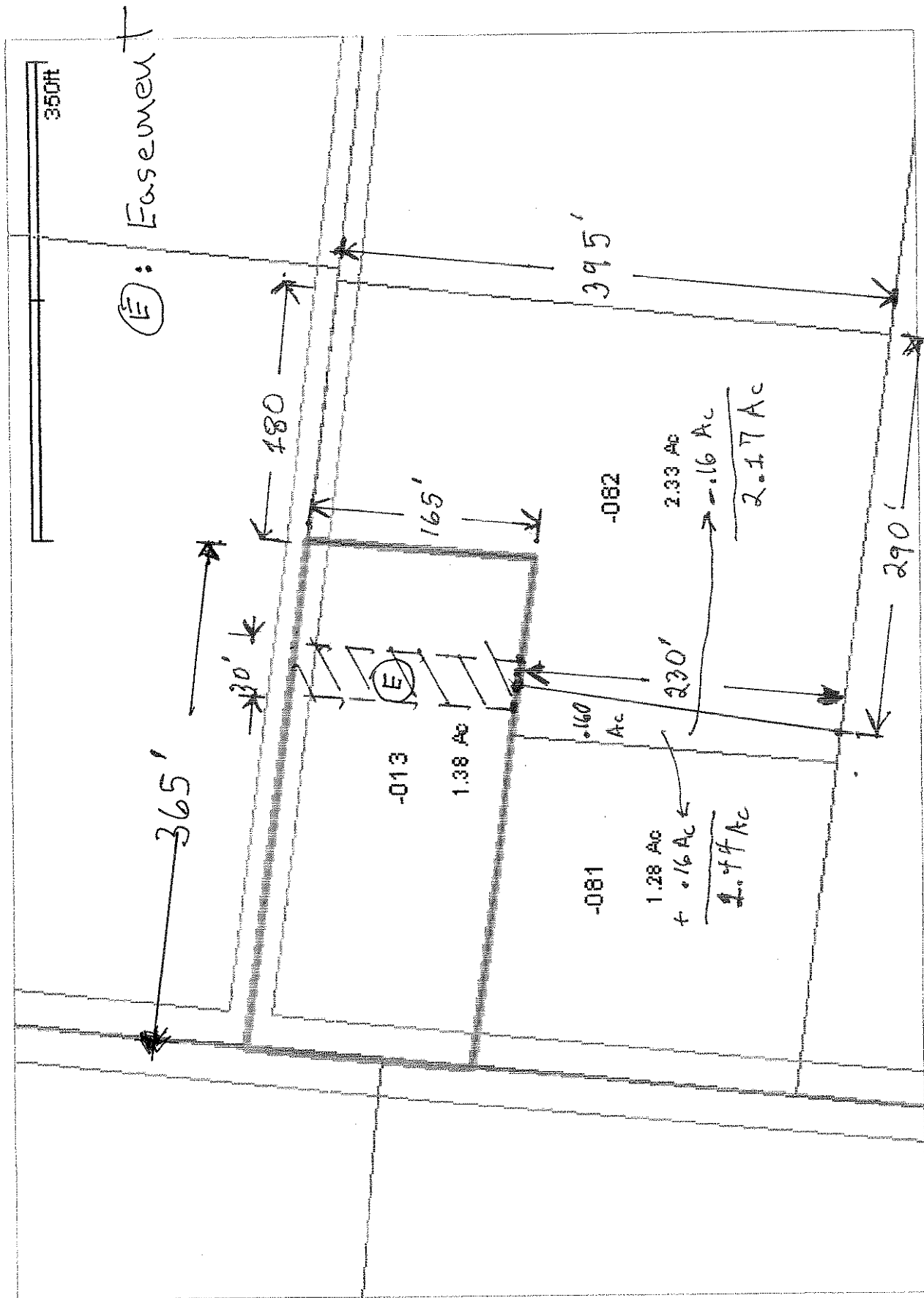
REASON: _____

SANTTARIAN

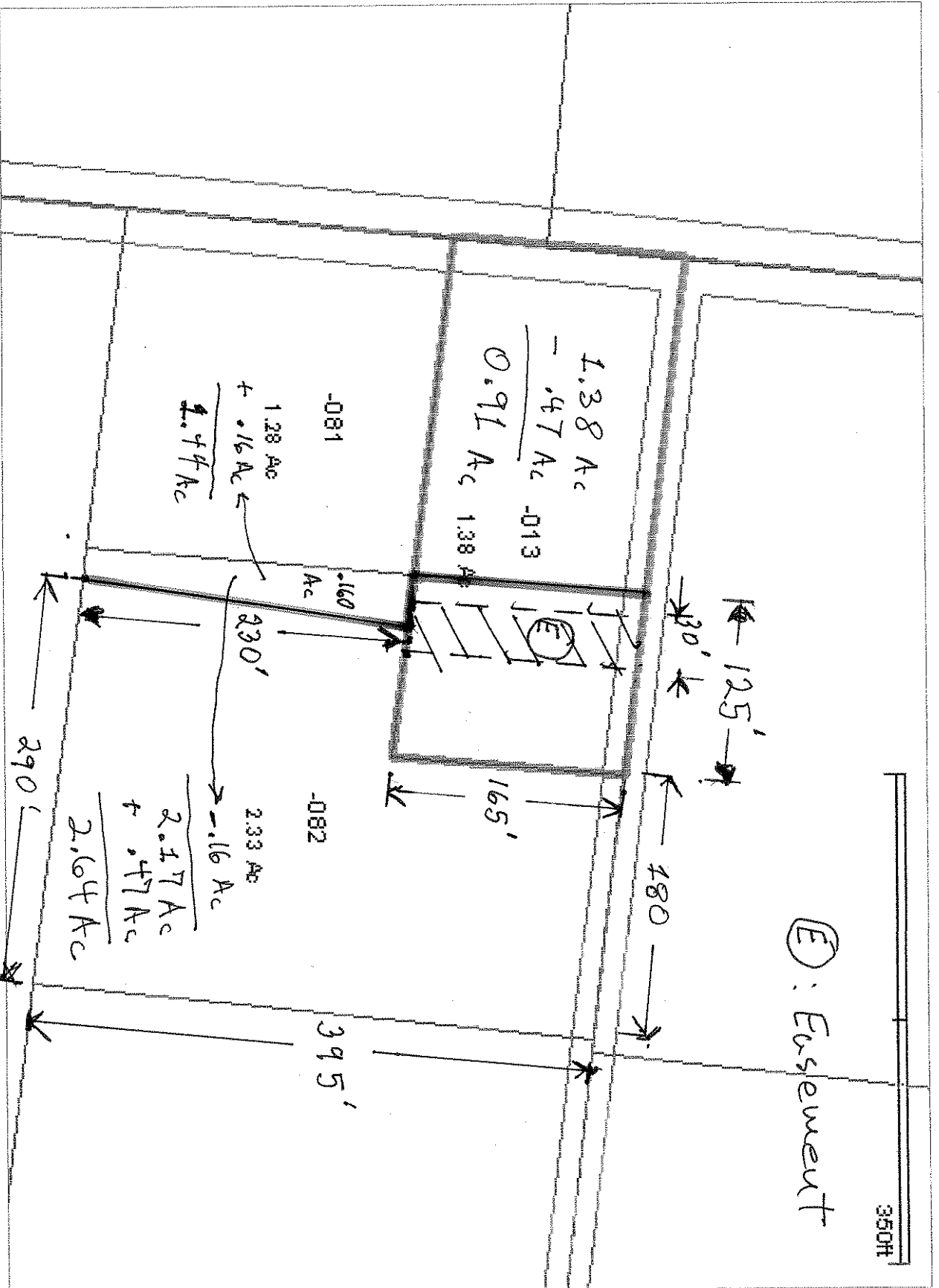
Bob Ingoldsby

Rec #15464

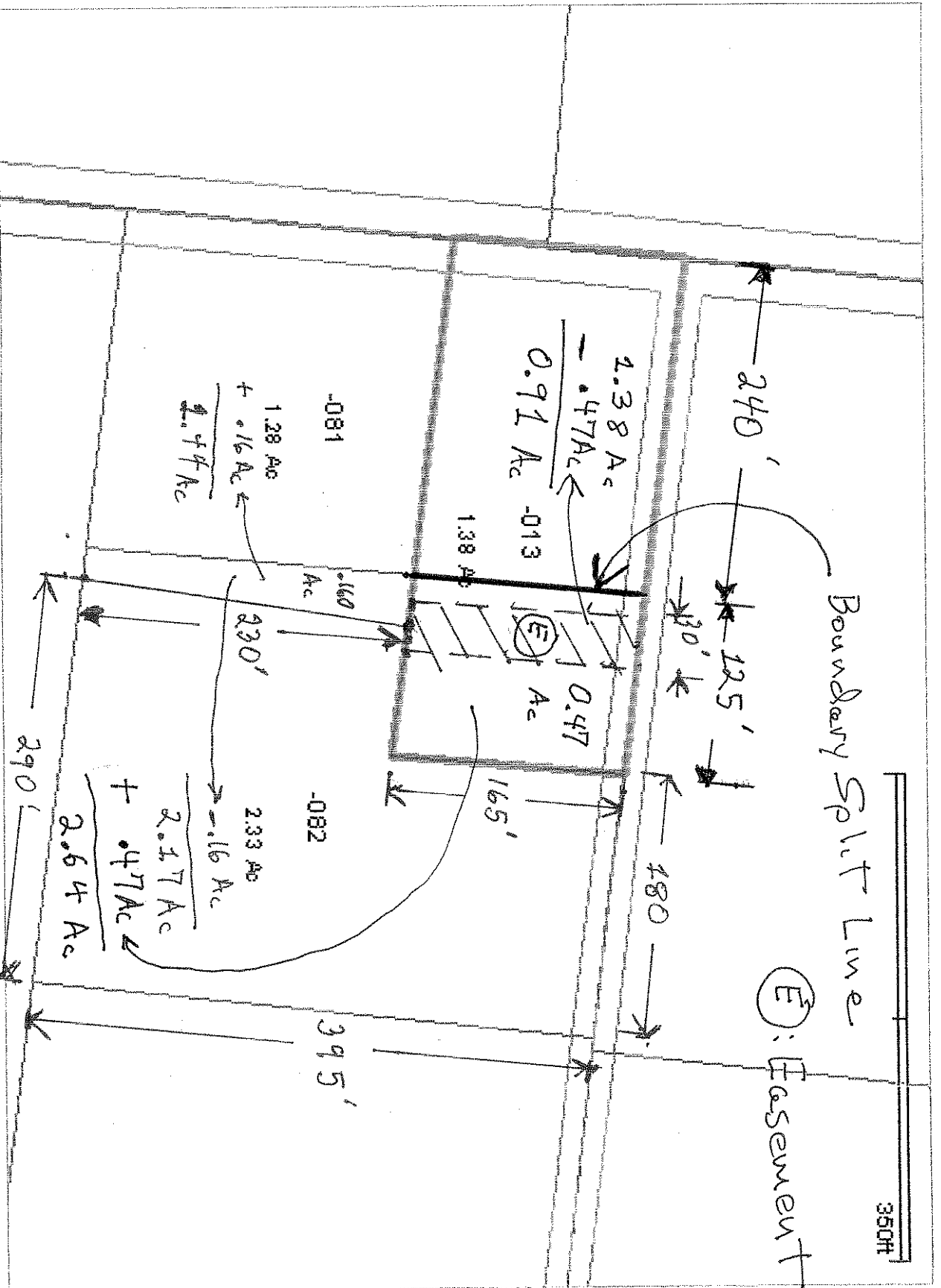
BEFORE:

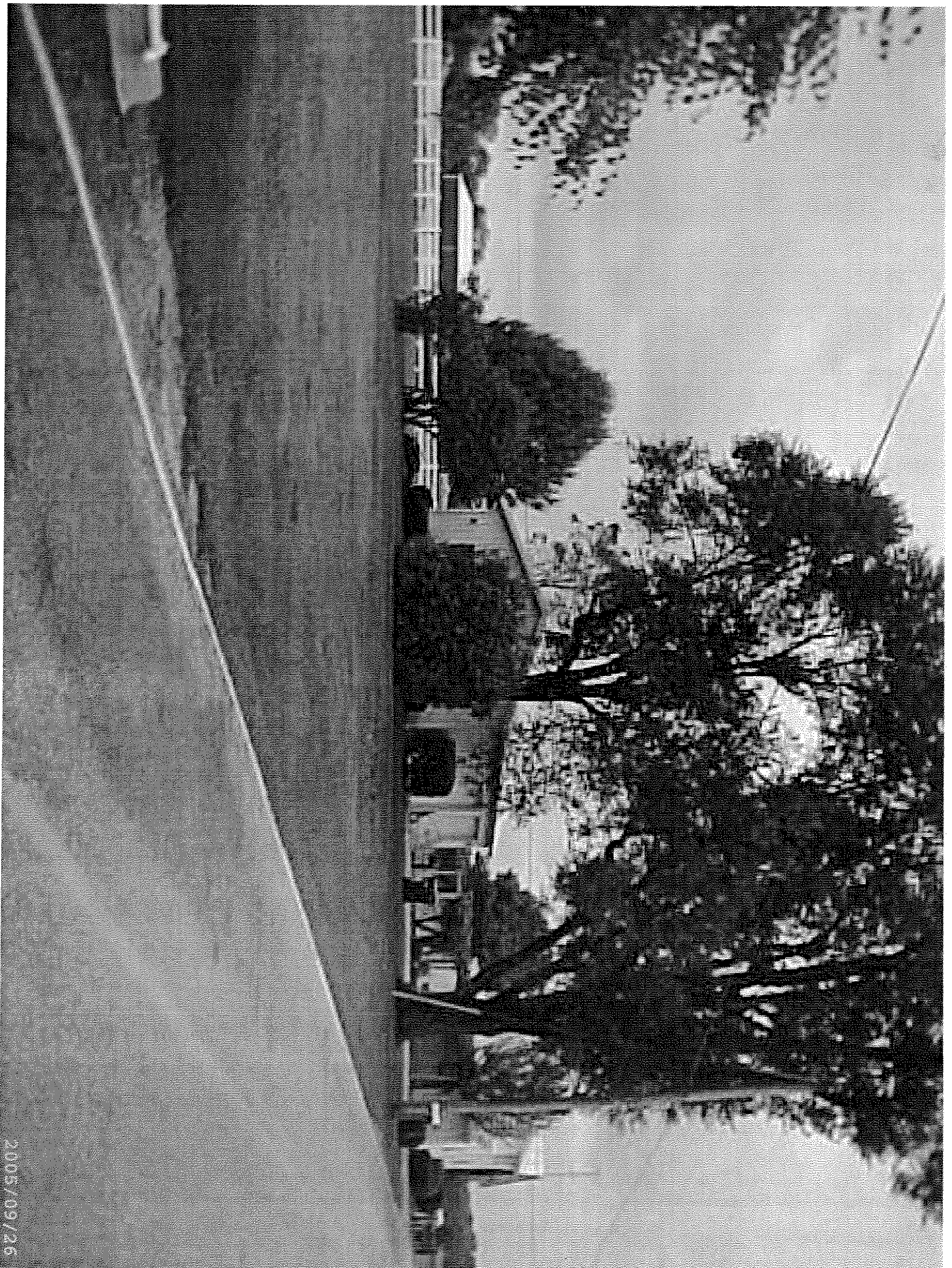


APP LICANT WEST BOUNDARY AFTER VARIANCE (GREEN)



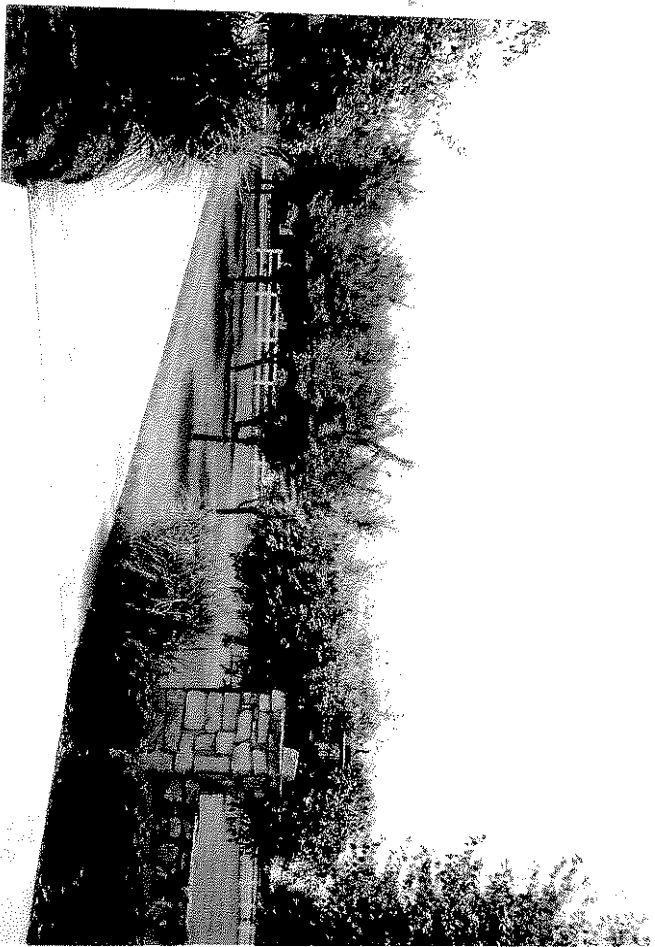
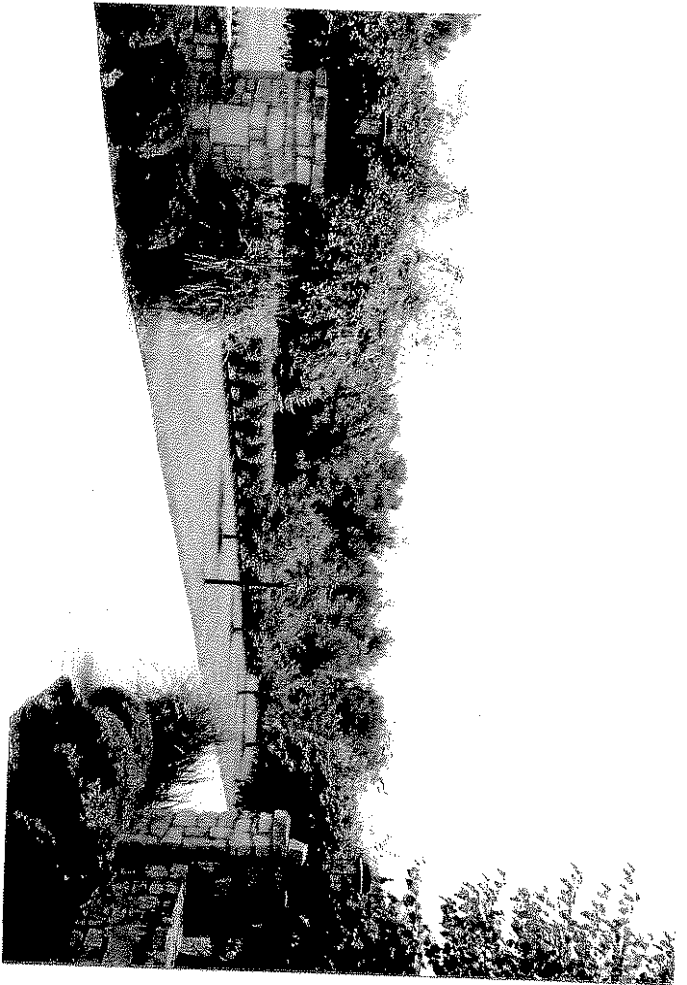
AFTER:





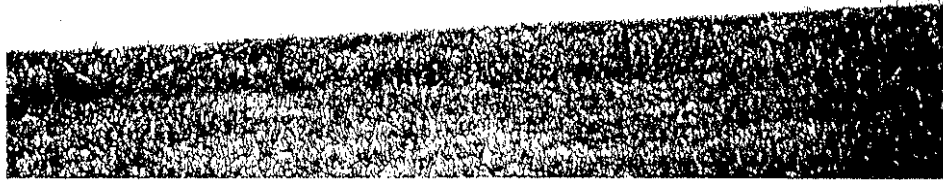








← Union Rd.



← East / West →



Split Boundary

**BZA-2005-16 - Variance - Mad River Township
Greenon Local School District Board of Education -
1215 Old Mill Road**

DATE OF MEETING: November 17, 2005

TO: Board of Zoning Appeals

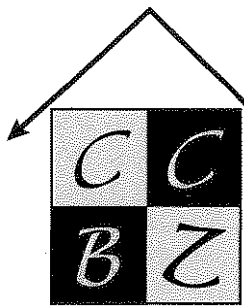
FROM: Planning Staff

APPLICANTS REQUEST:

The applicant is seeking a Variance of Chapter 2, Section A of the Clark County Zoning Resolution. Said section requires lot 5 to 10 acres in size shall have a minimum frontage of 250'. Granting this request would permit a 7.808 acre lot to be split with a total frontage of 191.44'.

STAFFS ANALYSIS:

Report will be given at the meeting by Phil Tritle, Planning Staff.



Clark County Zoning Regulations

937.328.2495
937.328.2621 fax
email: bldgreys@co.clark.oh.us

Garfield Building
25 W. Pleasant St
Springfield, OH 45506

Dana R. Booghier
Director

November 9, 2005

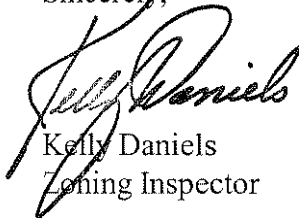
Dear Applicant:

On **November 17, 2005**, the Board of Zoning Appeals will hold a **PUBLIC HEARING** at 10:00 a.m., **at the Administrative Building, formerly known as Springview Developmental Center, 3130 E. Main Street Springfield, Ohio.** The purpose of this hearing is to review your request for a Variance.

We will provide signs to direct you where the hearing will take place. There is parking in the rear off of Ogden Road. Your presence or a qualified representative is required. If your request is approved, there is a 30 day waiting period after the hearing.

If you or a representative are not present at the time of your hearing, your case will not be considered.

Sincerely,



Kelly Daniels
Zoning Inspector

la

SHERIDAN

& ASSOCIATES

AUCTIONEERS, REAL ESTATE BROKER, APPRAISERS, LLC

(937) 767-2021

www.SheridanTeam.com



3644 Wilberforce-Clifton Road
Cedarville, Ohio 45314
(937) 767-2021 (Voice)
(937) 766-2021 (Fax)
E-mail: info@SheridanTeam.com
www.SheridanTeam.com

September 6, 2005

Clark County Board of Zoning Appeals
25 West Pleasant Street
Springfield, OH 45506

Dear Sirs/Madams:

We are submitting this application for a zoning variance on behalf of our client, the Greenon Local School District Board of Education, concerning lands owned by them and located at 1215 Old Mill Road, Springfield, Ohio. Until recently the property was used for administrative office space for the Board and for the School's administration. Following are the factors that lead us to request this zoning variance request:

1. The "old lot line" (see proposed survey at Exhibit A) for the 4.00-acre parcel on which the building sits dissects the building;
2. The existing well located to the southwest of the building lies approximately 260 feet from the southern property line of the existing 15.26-acre property; and
3. The southern edge of the existing blacktop parking area to the south of the building lies approximately 270 feet from the southern property line of the existing 15.26-acre property.

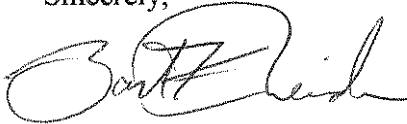
We respectfully request a zoning variance to allow the splitting of both parcels as shown on the proposed survey. We believe that the granting of this request is warranted because:

1. The requirement for a 250 feet road frontage for a new parcel of greater than 5.00 acres (in this case the 7.808 proposed parcel) **would place the existing blacktop parking area too near the required property line;**
2. The requirement for a 250 feet road frontage for a new parcel of greater than 5.00 acres (see above) **would place the well too near the required property line;**
3. The granting of a variance allowing the frontage of 191.44' as shown in Exhibit A **will allow for a split that leaves ample room around the existing well and from the existing blacktop area for access and maintenance; and**

4. According to Shane Farnsworth, Clark County Planning Director, "The zoning for the two parcels consists of 5.3 acres which is all of parcel number 0600021203011 and a portion of parcel number 0600021203010 is zoned B-3S (Cosmetic, Health care, Diet & allied products, retail & wholesale sales & distribution & training activities and also storage & warehouse of related products, school supplies, equipment & material). The remaining acreage of parcel number 0600021203010 is zoned A-1." The granting of a variance allowing the proposed survey splits as shown in Exhibit A **will allow the property owner to utilize more effectively and to comply with more efficiently the property's existing zoning regulations.**

Thank you for your consideration in this matter. Please feel free to contact me to discuss this matter further.

Sincerely,

A handwritten signature in black ink, appearing to read "Bart K. Sheridan". The signature is fluid and cursive, with the first name "Bart" being more prominent.

Bart K. Sheridan, CAI

Encl.

Cc: Denny Howell, Supt
John Podgurski, Attorney

T.M.R.S.
ANGE

NE. QTR. 21
SECTION

EXHIBIT A

MAD RIVER
TOWNSHIP

CLARK
COUNTY

OHI
STA

RICHARD P. & JUDITH C. HAULMAN
DEED BOOK 859, PAGE 822

REVA THOROUGHMAN
O.R. VOL. 1535, PG. 587

" IN TOP
R. POST

SEC. 21, T-4, R-9
SEC. 15, T-4, R-9

S 88°07'25" E 522.22' IRON PIN SET
S 88°07'25" E 367.20' IRON PIN SET 20.01' OFF COR.

P.O.B. 5.000 AC. TRACT

5.000 AC.

4.000 AC. D.B. 266, PG. 250
2.398 AC. D.B. 499, PG. 649

6.398 AC.
(0.351 AC. IN ROAD)

ROAD

N 03°45'25" E 408.85'

S 03°46'15" W 425.90'

N 03°46'15" E 754.26'

OLD LOT LINE

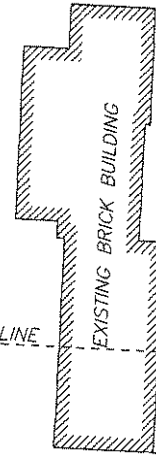
N 86°15'10" W 521.84'
S 86°15'10" E 521.84'

IRON PIN SET

S 03°46'15" W 328.36'

7.808 AC.
(0.088 AC. IN ROAD)

WELL



OLD LOT LINE

MILL
40' R/W

OLD

P.O.B. 6.398 AC.

N 86°30'59" W 367.00'
S 86°30'59" E 367.00'

IRON PIN SET 20.00' OFF COR.

S 03°46'15" W 191.44'

P.O.B. 7.808 AC. T

N 86°13'36" W 888.71'

IRON PIN SET 20.00' OFF COR.

ROBERT E. & RUTH A. PENCIL "TR"
DEED BOOK 863, PAGE 253

ST.
L DISTRICT

SE. COR. OF NE. QTR.
OF SEC. 21, T-4, R-9
RAILROAD SPIKE FOUND

HALF SECTION
LINE

P.O.R.

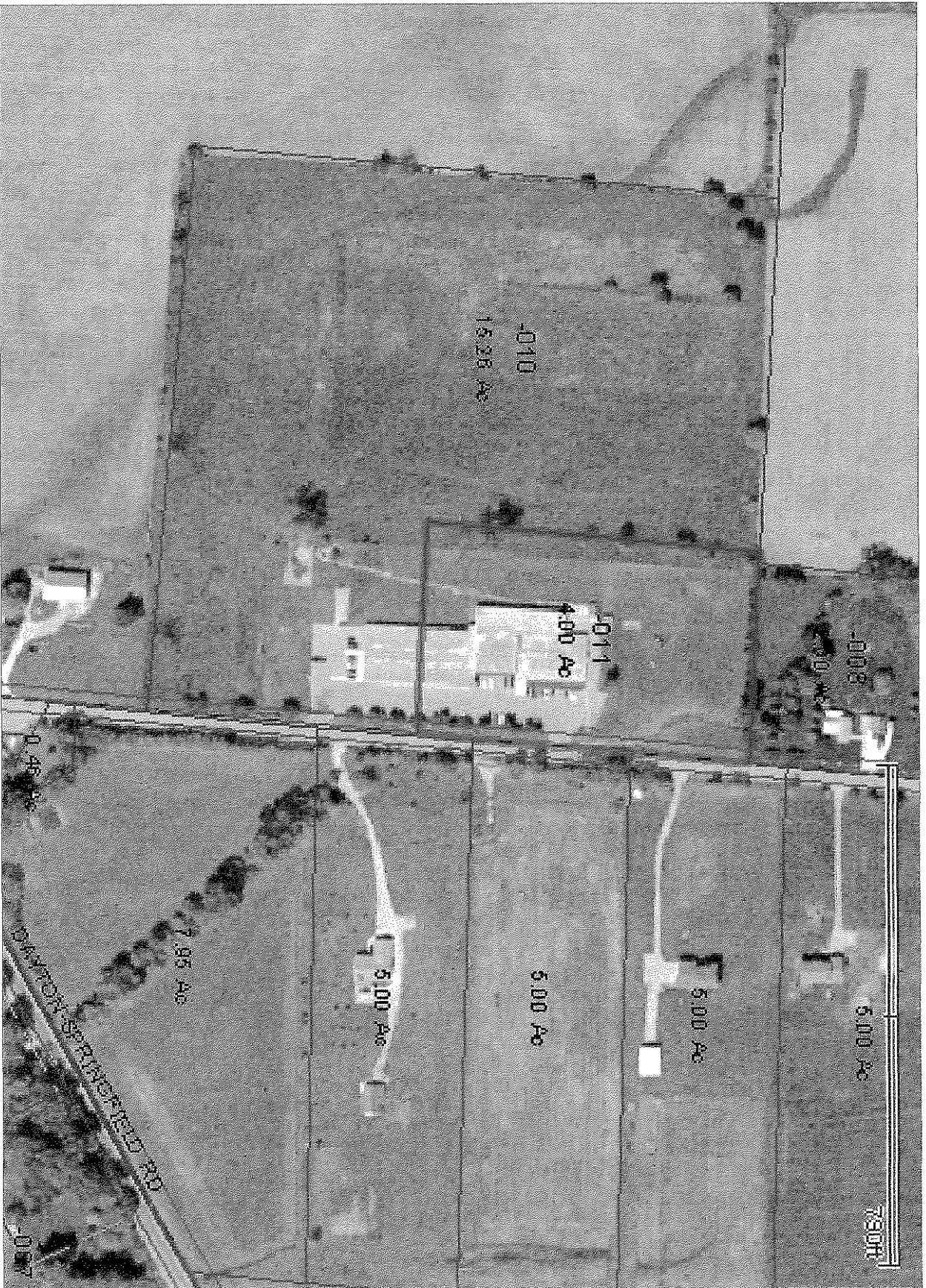
DA'

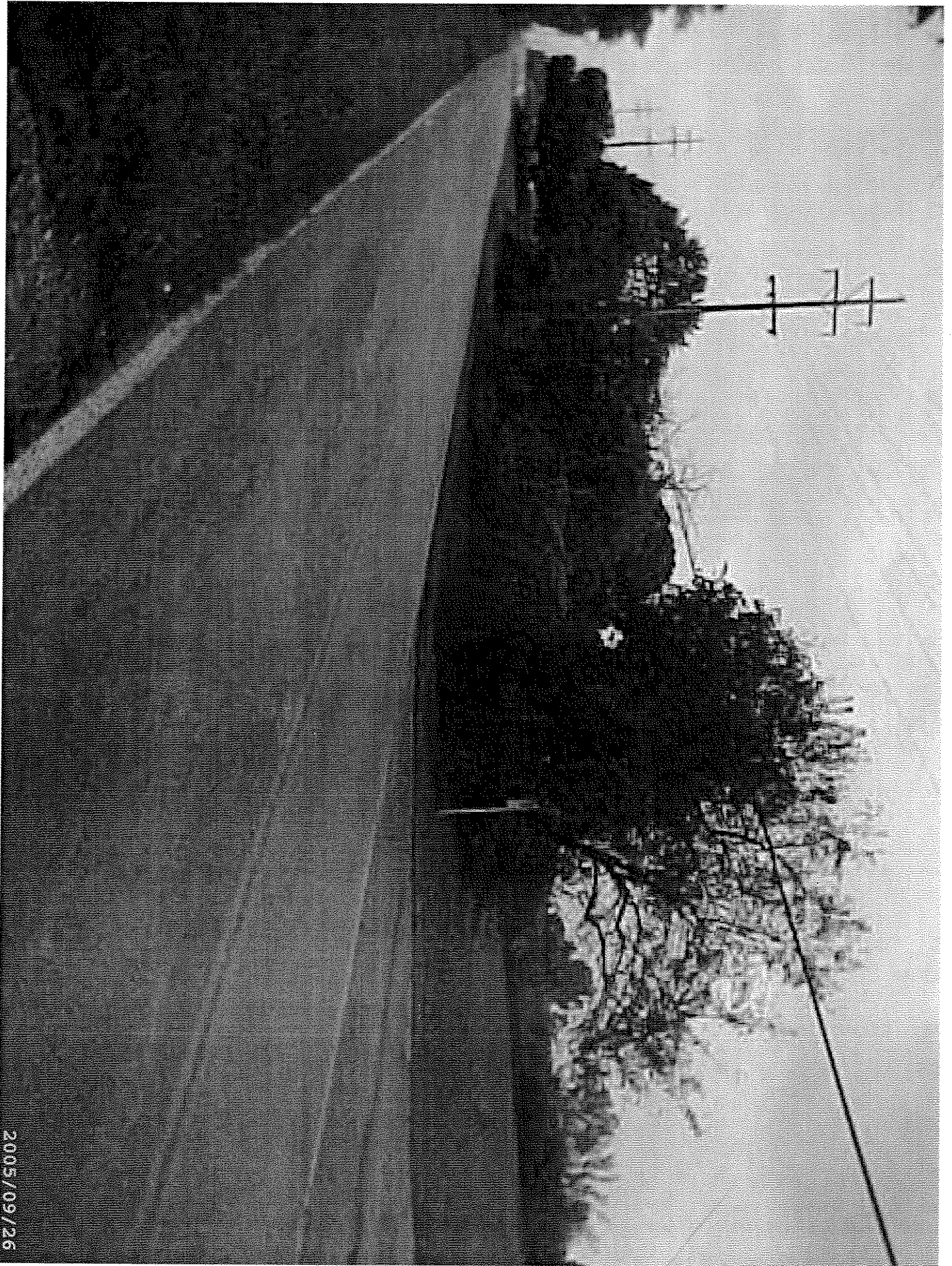
UMENT LEGEND ~

TES UNMARKED CORNER
TES IRON PIN SET
TES RAILROAD SPIKE FOUND

APPROVED BY CLARK COUNTY
PLANNING COMMISSION

DATE





2005/09/26